



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.28621 of 2013

R.Marikannu

... Petitioner

Vs

1. The Chief Manager,
State Bank of India,
Nungambakkam Branch,
Chennai - 600 034.
2. The Assistant General Manager,
State Bank of India,
City Recovery Centre,
Treasury Branch, III Floor,
Old No.637, New No.374,
Thousand Lights,
Anna Salai, Chennai - 600 006.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to pay the damages for the missing of the petitioner's original documents vide (1) Sale Deed Document No.488/1984 dated 30.1.1984 registered before Sub Registrar of Tambaram, Chennai-45; (2) Approval of the Tamilnadu Planning Authority in CR/DDT & CPM 83176 LO No.136 (3) Sketch of the property (Layout plan) (4) Survey Extract - Patta (5) Plan Approval (Permission) by way of considering the petitioner's representation dated 16.8.2013.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.M.L.Ganesh
[For R1]
Mr.Gouthaman
For Mr.M.Suresh
[For R2]

O R D E R

The relief sought for in the present writ petition is to direct the first respondent to pay the damages for the missing of the petitioner's original documents vide (1) Sale Deed Document No.488/1984 dated 30.1.1984 registered before Sub



Registrar of Tambaram, Chennai-45; (2) Approval of the Tamilnadu Planning Authority in CR/DDT & CPM 83176 LO No.136 (3) Sketch of the property (Layout plan) (4) Survey Extract - Patta (5) Plan Approval (Permission) by way of considering the petitioner's representation dated 16.8.2013.

2. Adjudication of entire facts and circumstances become unnecessary, in view of the fact that the State Bank of India filed a counter affidavit, stating that the petitioner borrowed loan and pledged the original documents and therefore, they will make arrangements to furnish the certified copy of those documents along with the certificate, enabling the petitioner to deal with the property.

3. In this regard, Paragraph 11 of the counter affidavit is relevant and the same is extracted hereunder:

"11. I further state that as an alternative arrangement, the 1st respondent is ready and willing to give certificate to the petitioner stating that the aforesaid original title deed is not traceable and undertakes to provide as and when retrieved from the branch. Besides such certificate, the 1st respondent is also ready and willing to provide certified copy of the said document by putting endorsement that original title deed was deposited by the petitioner but it could not be handed over to him after discharge of loan amount due to migration of loan account and the petitioner can use such certificate and certified copy for availing loan from any bank or financial institution."

4. In view of the undertaking given by the respondents-State Bank of India, the respondents are directed to take all necessary steps to obtain the certified copy of all the documents and handover all the documents, which were submitted by the petitioner to the Bank at the time of Sanctioning of loan along with the certificate to be issued by the Bank authorities, enabling the petitioner to deal with his property and such an exercise is directed to be done within a period of three (3) months from the date of receipt of a copy of this order.

5. With these directions, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar



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To

1. The Chief Manager,
State Bank of India,
Nungambakkam Branch,
Chennai - 600 034.
2. The Assistant General Manager,
State Bank of India,
City Recovery Centre,
Treasury Branch, III Floor,
Old No.637, New No.374,
Thousand Lights,
Anna Salai, Chennai - 600 006.

+1cc to Mr.M.Saravanakumar, Advocate, S.R.No.61209

W.P.No.28621 of 2013

BS (CO)
CT 07/12/2021